

# Attorney General

Analyst: Holland-Smith

## Historical Summary

OPERATING BUDGET	FY 2000 Actual	FY 2001 Actual	FY 2002 Approp	FY 2003 Request	FY 2003 Gov Rec
<b>BY PROGRAM</b>					
State Legal Services	11,907,700	13,280,000	14,401,400	15,151,500	13,709,900
Special Litigation	2,289,400	1,072,000	1,763,700	1,919,400	839,400
<b>Total:</b>	<b>14,197,100</b>	<b>14,352,000</b>	<b>16,165,100</b>	<b>17,070,900</b>	<b>14,549,300</b>
<b>BY FUND CATEGORY</b>					
General	6,657,700	5,742,200	15,863,900	16,796,800	14,254,400
Dedicated	7,379,900	8,406,800	116,500	153,400	120,800
Federal	159,500	203,000	184,700	120,700	174,100
<b>Total:</b>	<b>14,197,100</b>	<b>14,352,000</b>	<b>16,165,100</b>	<b>17,070,900</b>	<b>14,549,300</b>
Percent Change:		1.1%	12.6%	5.6%	(10.0%)
<b>BY OBJECT OF EXPENDITURE</b>					
Personnel Costs	10,828,900	11,785,900	13,268,200	13,742,600	12,923,700
Operating Expenditures	3,147,300	2,060,900	2,710,000	3,134,500	1,625,600
Capital Outlay	220,900	505,200	186,900	193,800	0
<b>Total:</b>	<b>14,197,100</b>	<b>14,352,000</b>	<b>16,165,100</b>	<b>17,070,900</b>	<b>14,549,300</b>
Full-Time Positions (FTP)	174.90	178.90	183.15	187.55	177.15

## Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by six separate divisions budgeted in two different programs.

State Legal Services Program:

1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.
2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the State Insurance Fund, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.
3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial assistance statewide to counties, and provides state assistance through the complex Criminal Investigations Unit to local agencies.
4. Human Services: Provides legal service to the Dept. of Health & Welfare.
5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.
6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and the remediation of Triumph Mine.

Special Litigation Program: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

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## Comparative Summary

Decision Unit	AGENCY REQUEST		GOVERNOR'S REC	
	General	Total	General	Total
<b>FY 2002 Original Appropriation</b>	<b>15,863,900</b>	<b>16,165,100</b>	<b>15,863,900</b>	<b>16,165,100</b>
Reappropriations	1,502,500	1,502,500	1,502,500	1,502,500
1. AG Defends State's Interest in SIF	0	0	336,200	336,200
Holdback/Neg. Supp	(460,800)	(460,800)	(460,800)	(460,800)
<b>FY 2002 Total Appropriation</b>	<b>16,905,600</b>	<b>17,206,800</b>	<b>17,241,800</b>	<b>17,543,000</b>
Removal of One-Time Expenditures	(2,700,600)	(2,700,600)	(3,036,800)	(3,036,800)
Base Adjustments	0	(10,900)	0	(10,900)
Restore Holdback/Neg. Supp	460,800	460,800	460,800	460,800
Permanent Base Reduction	0	0	(460,800)	(460,800)
<b>FY 2003 Base</b>	<b>14,665,800</b>	<b>14,956,100</b>	<b>14,205,000</b>	<b>14,495,300</b>
Personnel Cost Rollups	47,500	48,100	47,500	48,100
Inflationary Adjustments	12,600	14,500	0	0
Replacement Items	140,100	148,200	0	0
Nonstandard Adjustments	20,600	20,600	0	0
Annualizations	1,900	1,900	1,900	1,900
Change in Employee Compensation	121,400	123,000	0	0
Fund Shifts	55,500	0	0	0
<b>FY 2003 Program Maintenance</b>	<b>15,065,400</b>	<b>15,312,400</b>	<b>14,254,400</b>	<b>14,545,300</b>
1. Natural Resources Litigation	1,080,000	1,080,000	0	0
2. Deputy AG for Appellate Unit	75,100	75,100	0	0
3. Deputy AG for Juvenile Corrections	75,100	75,100	0	0
4. Deputy AG for Idaho State Police	68,800	68,800	0	0
5. Case Management System	374,100	374,100	0	0
6. DAG to Full-Time for Nat. Resources	30,200	30,200	0	0
7. New Office Equipment	22,100	45,200	0	0
8. Spanish Language Outreach	0	4,000	0	4,000
9. Add'l Costs of Per Diem Increase	6,000	6,000	0	0
<b>FY 2003 Total</b>	<b>16,796,800</b>	<b>17,070,900</b>	<b>14,254,400</b>	<b>14,549,300</b>
Change from Original Appropriation	932,900	905,800	(1,609,500)	(1,615,800)
% Change from Original Appropriation	5.9%	5.6%	(10.1%)	(10.0%)
Change in FTP's		4.40		(6.00)

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## Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
<b>FY 2002 Original Appropriation</b>	183.15	15,863,900	116,500	184,700	16,165,100

### Reappropriations

Reappropriates funding for natural resource litigation in the Special Litigation Program.

Agency Request	0.00	1,502,500	0	0	1,502,500
Governor's Recommendation	0.00	1,502,500	0	0	1,502,500

### 1. AG Defends State's Interest in SIF

Agency Request	0.00	0	0	0	0
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*The Governor is recommending that reimbursement be made to the Office of the Attorney General for Special Litigation funds used to defend the interests of the State in the case of Hayden Lake Fire District versus Idaho State Insurance Fund. The amount represents all costs incurred by the Special Litigation Program through December 1, 2001, and \$48,000 of estimated costs to be incurred for defending the appeal of a summary judgment found in favor of the State's position.*

Governor's Recommendation	0.00	336,200	0	0	336,200
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### Holdback/Neg. Supp

The holdback was taken from personnel funds in the State Legal Services Program in the amount of \$143,500, and from operating expenditures in the Special Litigation Program in the amount of \$317,300.

Agency Request	0.00	(460,800)	0	0	(460,800)
Governor's Recommendation	0.00	(460,800)	0	0	(460,800)

### FY 2002 Total Appropriation

Agency Request	183.15	16,905,600	116,500	184,700	17,206,800
Governor's Recommendation	183.15	17,241,800	116,500	184,700	17,543,000

### Removal of One-Time Expenditures

Remove funding provided for one-time items including Reappropriations.

Agency Request	0.00	(2,700,600)	0	0	(2,700,600)
Governor's Recommendation	0.00	(3,036,800)	0	0	(3,036,800)

### Base Adjustments

Reduce spending authority in federal funds to match projected revenue in FY 2003.

Agency Request	0.00	0	0	(10,900)	(10,900)
Governor's Recommendation	0.00	0	0	(10,900)	(10,900)

### Restore Holdback/Neg. Supp

Agency Request	0.00	460,800	0	0	460,800
Governor's Recommendation	0.00	460,800	0	0	460,800

### Permanent Base Reduction

Agency Request	0.00	0	0	0	0
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*Permanent reductions in agency base budgets are made to accommodate limited General Fund revenue for fiscal year 2003. Reductions will be accommodated through program consolidations, expenditure management, and other program changes that realign funding availability with program requirements*

*The ongoing permanent reduction is recommended in the State Legal Services Program. It includes six FTPs and \$394,500 in personnel costs and \$66,300 in operating expenditures.*

Governor's Recommendation	(6.00)	(460,800)	0	0	(460,800)
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## Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
<b>FY 2003 Base</b>					
Agency Request	183.15	14,665,800	116,500	173,800	14,956,100
<i>Governor's Recommendation</i>	<i>177.15</i>	<i>14,205,000</i>	<i>116,500</i>	<i>173,800</i>	<i>14,495,300</i>

### Personnel Cost Rollups

Includes the employer portion of estimated changes in employee benefit costs.

Agency Request	0.00	47,500	300	300	48,100
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>47,500</i>	<i>300</i>	<i>300</i>	<i>48,100</i>

### Inflationary Adjustments

Includes a general inflationary increase of 1.7% in operating expenditures.

Agency Request	0.00	12,600	900	1,000	14,500
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*The Governor recommends no increase for inflation.*

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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### Replacement Items

The request for replacement items of \$126,200 in capital outlay includes \$79,800 to replace one third of the computers and printers in the agency, \$26,100 to replace four computer servers, \$5,200 for server cabinets, \$3,000 for switches, \$700 for two bookcases, \$4,400 for four desks, and \$7,000 for 14 executive chairs. The request for \$22,000 in operating expenditures is \$6,500 for training, \$13,700 to upgrade different software packages, and \$1,800 to upgrade the copier lease to also serve as a scanner for the Intergovernmental Division.

Agency Request	0.00	140,100	8,100	0	148,200
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*The Governor recommends no funding for replacement items.*

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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### Nonstandard Adjustments

Nonstandard Adjustments includes a request of \$10,300 to pay for Westlaw Online Legal Research fee increases, \$800 for increased maintenance fees on a copier, and \$9,500 for a telephone maintenance agreement.

Agency Request	0.00	20,600	0	0	20,600
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*Not recommended by the Governor.*

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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### Annualizations

An additional \$1,900 is requested in personnel costs for the Attorney General salary increase.

Agency Request	0.00	1,900	0	0	1,900
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<i>Governor's Recommendation</i>	<i>0.00</i>	<i>1,900</i>	<i>0</i>	<i>0</i>	<i>1,900</i>
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### Change in Employee Compensation

Reflects the cost of a 1% salary increase for permanent and group positions.

Agency Request	0.00	121,400	500	1,100	123,000
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*The Governor recommends state employee compensation increases to be made from salary savings.*

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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## Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
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### Fund Shifts

In anticipation of losing federal funding provided through the Edward Byrne Grant program (administered through the Criminal Justice Council) the agency is requesting General Funds to continue operating the Complex Crimes Unit in the Criminal Division. The last grant amount of \$165,300 was awarded for federal fiscal year 2001. The Byrne Grant cycle typically lasts for three full years and this is the last year the agency will be eligible under the current grant proposal to receive money for this purpose. The unit currently provides an experienced prosecution team to Idaho counties to handle racketeering, gambling, prostitution, public corruption schemes, and medical care provider fraud cases. The agency will seek the balance of approximately \$120,000 necessary for personnel costs from other funding sources.

Agency Request	0.00	55,500	0	(55,500)	0
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*Not recommended by the Governor.*

Governor's Recommendation	0.00	0	0	0	0
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### FY 2003 Program Maintenance

Agency Request	183.15	15,065,400	126,300	120,700	15,312,400
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Governor's Recommendation	177.15	14,254,400	116,800	174,100	14,545,300
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### 1. Natural Resources Litigation

### Special Litigation

An additional \$1,070,000 in operating expenditures and \$10,000 in one-time capital outlay is requested primarily to support the state's position in the Snake River Basin Adjudication and Endangered Species litigation. These funds will be used to hire experts in geomorphology, riparian vegetation, fishery habitat, soils, economics, and numerous other sciences. The ongoing amount in the FY 2003 Base in General Funds is \$839,400 (notwithstanding the Executive Holdback). The Natural Resources Division was able to carryover \$1,502,500 in General Funds from FY 2001 into FY 2002.

Agency Request	0.00	1,080,000	0	0	1,080,000
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*The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.*

Governor's Recommendation	0.00	0	0	0	0
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### 2. Deputy AG for Appellate Unit

### State Legal Services

Through most of the 1990's the Appellate Unit averaged 475 criminal appeals per year. In 1999, appeals rose to 536, and in 2000, they rose to 636. The Unit is requesting second extensions on many briefs and the appellate attorneys are accumulating substantial overtime. An additional deputy attorney general is needed to keep up with the caseload. The request is for \$64,800 in personnel costs, \$4,000 in operating expenditures, and \$6,300 for office furniture and a computer.

Agency Request	1.00	75,100	0	0	75,100
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*The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.*

Governor's Recommendation	0.00	0	0	0	0
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### 3. Deputy AG for Juvenile Corrections

### State Legal Services

An additional deputy attorney general is requested to serve the needs of the Department of Juvenile Corrections and to handle non-capital federal habeas corpus cases. The Department of Juvenile Corrections requested additional legal assistance dealing with state and private providers, and help to rewrite existing department rules and also promulgate new rules. The deputy currently assigned to the agency often calls upon the rest of the Criminal Law Division to assist with projects. The request is for \$64,800 in personnel costs, \$4,000 in operating expenditures, and \$6,300 for office furniture and a computer.

Agency Request	1.00	75,100	0	0	75,100
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*The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.*

Governor's Recommendation	0.00	0	0	0	0
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# Attorney General

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>4. Deputy AG for Idaho State Police</b>					<b>State Legal Services</b>
The Idaho State Police currently has two full-time deputies assigned to the agency. It is requesting a third to deal with the increasing quantity and complexity of issues being addressed by the deputies assigned to Idaho State Police. The Office of the Attorney General has been able to meet some of the demand by having the Special Prosecutions Unit handle drug asset forfeitures, but this does limit the time available for that unit to prosecute criminal cases. The request is for \$64,800 in personnel costs and \$4,000 in operating expenditures.					
Agency Request	1.00	68,800	0	0	68,800
<i>The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>5. Case Management System</b>					<b>State Legal Services</b>
The Office of the Attorney General would like to purchase a case management system to accumulate all of the relevant information about a case or project in one easily accessible database. The critical functions addressed by this type of system would be the tracking of all correspondence, tracking of people, ensuring litigation deadlines are met, secure document management, and production of status reports. The benefits include greater efficiency and more organized representation of the state in legal matters, decreased risk of missing deadlines and defaulting on cases, and more rapid and timely reporting to client agencies and the Legislature. The new system will require a database administrator to assist with the implementation and customization, and to oversee day-to-day operations. The estimated cost of the software is \$172,000, the ongoing maintenance will be \$22,000, and \$96,000 will be required for consultants to customize the software for agency use. The request includes \$76,800 for personnel costs, \$290,000 for operating expenditures of which \$268,000 is one-time, and \$7,300 for one time capital outlay for the database administrator.					
Agency Request	1.00	374,100	0	0	374,100
<i>The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>6. DAG to Full-Time for Nat. Resources</b>					<b>State Legal Services</b>
This request is to make a permanent part-time position into full-time. The deputy is currently assigned to the Department of Environmental Quality and receives full employee benefits. All additional requested funding is for personnel costs.					
Agency Request	0.40	30,200	0	0	30,200
<i>The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>7. New Office Equipment</b>					<b>State Legal Services</b>
This request is \$34,000 for two new filing systems, \$1,500 for a fax machine, \$1,100 for a digital camera, \$5,000 for Imagetrex software, \$1,000 for file conversion, \$500 for Photosmart software, \$600 for a mini disc recorder and accessories, \$300 for cell phones, \$100 for a brief bag, \$800 for audio and photo software, and \$300 for a headset.					
Agency Request	0.00	22,100	23,100	0	45,200
<i>The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.</i>					
Governor's Recommendation	0.00	0	0	0	0

# Attorney General

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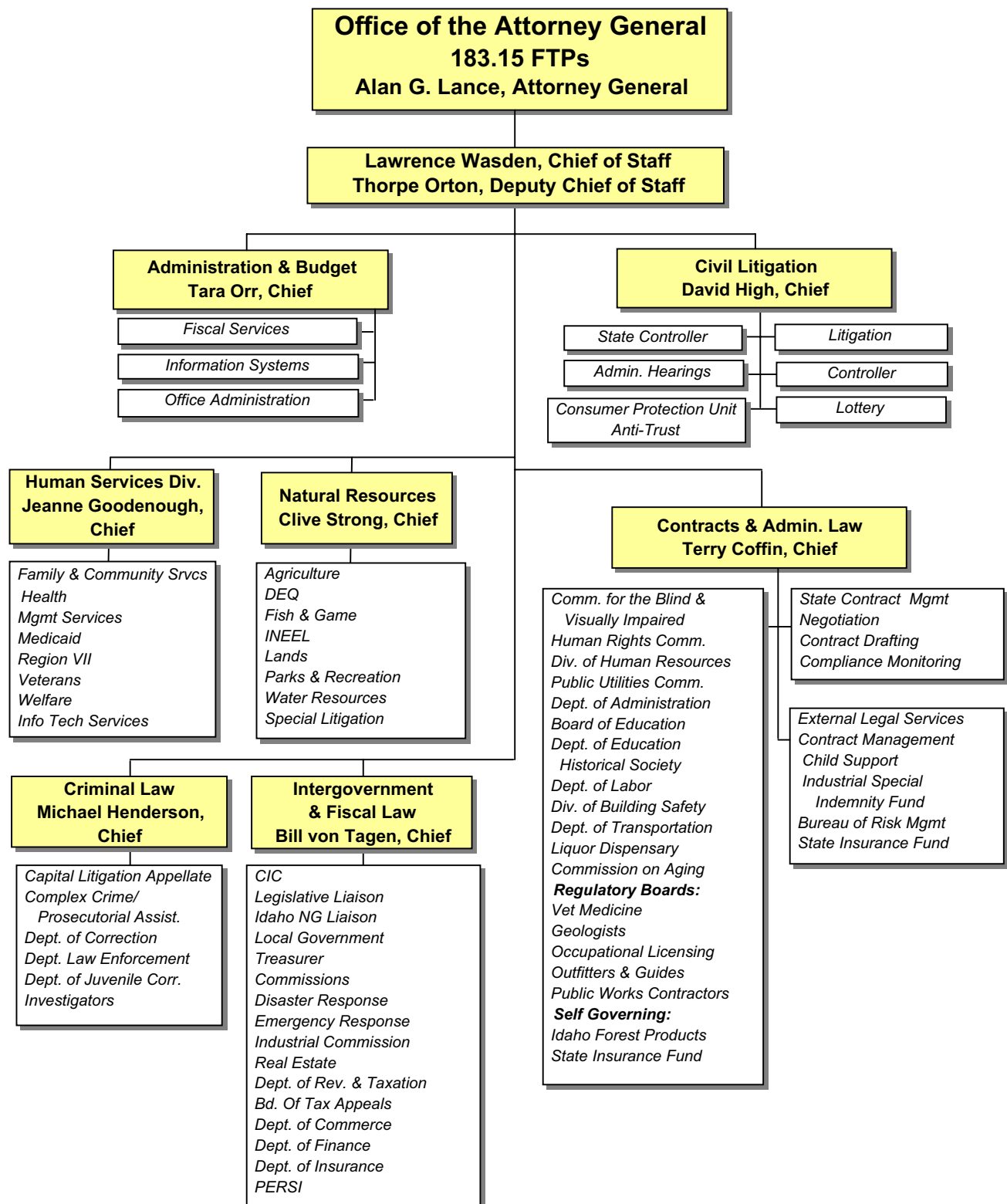
Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>8. Spanish Language Outreach</b>					<b>State Legal Services</b>
In FY 2001 the Consumer Protection Unit was awarded a grant from the Sears settlement to be used for consumer outreach for Spanish-speaking consumers. This request represents the ongoing charges of maintaining the Spanish-speaking consumer complaint services.					
Agency Request	0.00	0	4,000	0	4,000
<i>The Governor recommends funding for this enhancement.</i>					
Governor's Recommendation	0.00	0	4,000	0	4,000
<b>9. Add'l Costs of Per Diem Increase</b>					<b>State Legal Services</b>
The majority of travel in the Attorney General's Office is related to litigation. At current levels of travel the mileage rate increase and per diem reimbursement amounts allowed under the guidance of the Board of Examiners is estimated to cost an additional \$6,000 per year.					
Agency Request	0.00	6,000	0	0	6,000
<i>The Governor chooses not to make a recommendation on enhancements for elected officials in the Executive Branch.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2003 Total</b>					
Agency Request	187.55	16,796,800	153,400	120,700	17,070,900
Governor's Recommendation	177.15	14,254,400	120,800	174,100	14,549,300
Agency Request					
Change from Original App	4.40	932,900	36,900	(64,000)	905,800
% Change from Original App	2.4%	5.9%	31.7%	(34.7%)	5.6%
Governor's Recommendation					
Change from Original App	(6.00)	(1,609,500)	4,300	(10,600)	(1,615,800)
% Change from Original App	(3.3%)	(10.1%)	3.7%	(5.7%)	(10.0%)

# Attorney General

## Issues & Information

Analyst: Holland-Smith

### Organizational Chart





# Attorney General

## Issues & Information

Analyst: Holland-Smith

<b>Special Litigation - History of Expenditures</b>	<b>FY 1998</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>
1. Blackbird Mine	900	400	100	200
2. Bunker Hill Trust Admin.	100			700
3. Child Sex Abuse Report	24,200	15,100	15,000	16,000
4. Coeur d'Alene Tribes Claim	12,200	12,000	300	34,400
5. Death Penalty Cases	12,700	8,500	4,100	9,500
6. Endangered Species	1,800	2,400	1,300	7,500
7. Fish Passage Solution				6,800
8. Hayden Lake Fire Protection vs. SIF				67,400
9. Idaho Power Relicensing				600
10. Indian Gaming	600	300	200	
11. Land Board Litigation	29,400			7,900
12. Miscellaneous (under \$2,500)	200			400
13. Nuclear Waste Lawsuits		200		
14. Planned Parenthood vs. Lance & Bower				19,500
15. Public Education Law Suits	10,000	300	10,200	200
16. Purchase Imaging System				14,000
17. Quiet Title	33,800	2,900	406,500	376,700
18. Rudeen Vs. Cenarussa				200
19. Salmon River Beds		2,900	97,400	
20. Simpson vs. Cenarussa	300			
21. Snake River Basin Adjudication*	2,303,900	2,289,100	1,732,700	489,500
22. State vs. Osmundson			200	100
23. State vs. Solomon (Naturopath)	1,500		1,200	8,000
24. State vs. USFS Roadless				6,800
25. Triumph Mine	1,200	1,500	900	2,700
26. U.S. vs. Oregon	6,000	2,800	3,200	1,000
27. Water Power Relicensing	1,100	1,000	100	900
28. Webb vs. USA				1,000
29. Weyrich vs. Lance			16,000	
<b>Total</b>	<b>2,439,900</b>	<b>2,339,400</b>	<b>2,289,400</b>	<b>1,072,000</b>

\* \$8,100 of the \$1,732,700 spent in FY 2000 was reverted as an unliquidated encumbrance in FY 2001.